

REMARKS

The Office Action dated June 7, 2005, has been received and carefully considered. As an initial matter, Applicants respectfully submits that its previous response included some errors in the amendments of the claims which have been corrected by this amendment. In response to the rejections, while claims 1-26 and 35-37 were previously allowed and claims 40 and 42 were considered allowable, these claims have been rejected in view of several new references. Currently all claims stand rejected. Applicants respectfully submit that the newly cited references do not overcome the shortcomings of the previously cited references and; therefore, claims 1 – 42 patentably distinguish from the cited references and are allowable. Accordingly, reconsideration and allowance is respectfully requested.

Claims 1, 8, 9, 12-16, 21, 22 and 38 were rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent Noburo No. 04133973. Applicants respectfully submit that these claims are not anticipated by Noburo. As the Examiners know, for a reference to anticipate under 35 U.S.C. §102, "every element of the claimed invention must be identically shown in a single reference." *In re Bond*, 15 USPQ 2d 1566, 1567(CAFC 1990); quoting cite *Diversitech Corp. v. Century Steps, Inc.* 7 USPQ 2d 1315, 1317 (CAFC 1988). Noburo fails to show every element of the claimed invention.

Claim 1 recites a welding wire package comprising a "flexible permanent magnet retainer ring." Noburo does not even suggest a flexible ring as is recited in claim 1 let alone describe a flexible ring as is necessary for a 102 rejection. While the ring may be made from a non-metallic material, Noburo does not disclose flexibility. Applicants respectfully submit that claim 1 is not anticipated by Noburo.

Claims 8, 9, 12-16 and 21-22 are dependent from claim 1 and are not anticipated for at least the same reasons. Claims 8 and 9 further patentable distinguish from Noburo by reciting a flexible magnetic ring that is annular. As is stated above, Noburo fails to disclose a flexible magnetic retainer ring. Further, Noburo fails to disclose the annular configuration recited in claims 8, 9, 15 and 16. At most, Noburo discloses several magnetic blocks resting on the top of a thick pressing member. There is no reference to the presser member being flexible and/or magnetic. Claims 9 and 12-14 further patentable distinguish from Noburo by reciting a cylindrical core in the bore of the welding wire. Noburo fails to disclose an inner core as is recited in claims 9 and 12-

14.

Claim 38 recites a welding wire package comprising a retainer ring having a substantially flexible retainer ring body that is positioned on top of the upper ring shaped surface of the welding wire. Noburo fails to disclose such a ring body. As is stated above, Noburo does not even suggest a flexible ring as is recited in claim 1 let alone describe a flexible ring as is necessary for a 102 rejection. Accordingly, Applicants respectfully submit that claim 38 patentably distinguishes from the cited references and is allowable.

Claim 1 was also rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent Kenji No. 04112169. As with Noburo, Kenji fails to disclose the "flexible permanent magnet retainer ring" recited in claim 1. Like Noburo, Kenji does not even suggest a flexible ring. Further, Kenji discloses a frame-like structure above the annular portion which would actually prevent the flexing of the base ring. Further, the frame-like structure of Kenji would not be supportable by a flexible annular component as is recited in this application. As can be appreciated, the flexible ring structure would flex and deform when subjected to the weight of the frame structure disclosed in Kenji which would create unwanted pressure points on the top of the welding wire coil that could adversely affect the desired smooth unwinding of the wire from the coil. Applicants respectfully submit that claim 1 also patentably distinguishes from the Kenji and is allowable.

Claims 27-28 and 31-33 were rejected under 35 U.S.C. §102(b) as being anticipated by Farahmand 6,406,409. Applicants respectfully submit that claims 27-29 and 31-33 are not anticipated by Farahmand. In this respect, claim 27, as amended, recites a retainer ring being a flat sheet of flexible permanent magnet having an outer periphery with a diameter large enough to substantially cover the looped welding wire of the welding wire drum. Applicants respectfully submit that Farahmand fails to disclose such a retainer ring and, therefore, fails to anticipate amended claim 27. Farahmand fails to disclose a ring that is capable of covering one eye piece of a pair of eye glasses let alone the top of a coil of welding wire. In fact, the welding wire of this application could not be wound to such a small diameter as is shown in Farahmand. Applicants respectfully submit that Farahmand does not anticipate claim 27.

Claims 28 and 29 are dependent from claim 27 and are not anticipated by Farahmand for at least the same reasons.

Claim 31 is also not anticipated by Farahmand. As with claim 27, claim 31 recites a retainer ring for a drum of welding wire wrapped in a coil. The ring disclosed in Farahmand does not include a diameter "large enough to substantially cover the looped welding wire." This language is not in the preamble of the claim; the language is in the body of the claim and this limitation is not found in Farahmand. Therefore, claim 31 is not anticipated by Farahmand.

Claim 32 is dependent from claim 31 and is not anticipated by Farahmand for at least the same reasons.

Claims 35-37 were rejected under 35 U.S.C. §102(b) as being anticipated by Noburo or Kenji. Applicants respectfully submit that these claims are not anticipated by Noburo or Kenji. Claim 35, as amended, recites a method that includes the step of "applying a flexible magnetic retainer ring on the top of the wire stack such that said ring applies a magnetic field to the top of said stack." As is stated above, Noburo and Kenji fail to disclose a flexible magnetic ring let alone the recited method of use. Accordingly, these references fail to anticipate claim 35.

Claims 36-37 are dependent from claim 35 and are not anticipated for at least the same reasons. Claims 36 further patentably distinguishes the cited references by reciting the retainer ring being a "flexible permanent magnet retainer ring made from ferrite particles in a non-magnetic binder."

Claims 2, 28, 39, and 40-42 were rejected under 35 U.S.C. §103(a) as being unpatentable over Noburo as applied to claims 1, 8, 9, 12-16, 21, 22 and 38 discussed above. As is stated above, Noburo does not disclose a flexible ring. Further, Noburo does not disclose a magnetic ring. Conversely, Noburo discloses large magnetic blocks on a rigid, non-magnetic presser member. Applicants respectfully submit that Noburo does not make obvious a flexible ring and, in fact, teaches away from the recited ring.

As is discussed in greater detail in the specification of this application, the function of a welding wire package is to facilitate the unwinding of welding wire from the wire coil without tangling and in such a way that the wire can be fed to a welding operation. As can be appreciated, tangling will cause unwanted downtime. Further, distortions in the wire can cause tangling and can reduce the efficiency of the welding operation. Therefore, minimizing distortions is also a factor in the unwinding of the welding wire.

Noburo discloses what appears to be a presser member 15a which includes four large magnets 15b positioned on top of the member. The presser member is not magnetic. Only the large block-like magnets 15b are disclosed to be magnets. Noburo does not disclose or make obvious the recited flexible magnet ring.

Noburo device could not even be used with a flexible ring. In this respect, if member 15a were flexible, the large magnets would cause distortion in member 15a thereby producing inconsistent loading on the top of the wire coil. As can be appreciated, the presser member would become distorted and wavy and those portions of the welding wire that are under the large magnets would be subjected to larger loads.

This in view of the fact that welding wire can be very small in diameter and made from soft materials, the wire below the magnets will likely distort unless member 15a is rigid. Applicants respectfully submit that Noburo fails to disclose or make obvious a flexible ring or a magnetic ring let alone a flexible magnetic ring. Further, his presser member would not work as intended if the ring was allowed to flex.

Noburo also fails to disclose or make obvious the disclosed ring thickness. As is stated above, Noburo discloses a presser member 15a that includes pockets to support large magnets 15b. This configuration requires the ring to have a thickness to create the pockets. The recited flexible magnet ring having a thickness in the general range of 0.10-0.01 inches would not work as intended with Noburo's pockets and large magnets. As can be appreciated, the height letters on this page are greater than .10 inches. Applicants respectfully submit that Noburo fails to disclose or make obvious the thin flexible ring recited in claim 2.

While claims 28, 39, 40-42 are not dependent on claim 2, the same is true for these claims. Noburo fails to disclose or make obvious a magnetic retainer ring that is flexible and which has a thickness in the general range of 0.10-0.01 inches. This thin retainer ring configuration that is flexible would not evenly support the large magnets disclosed in Noburo which in turn would cause distortion in the welding wire of the wire coil and would fail to produce even unwinding of the welding wire. Accordingly, Applicants respectfully submit that Noburo fails to disclose or make obvious the thin walled flexible ring recited in claims 28, 39, 40-42.

Claims 2-7, 10, 11 and 17-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kenji as applied to claim 1 discussed above. As is stated above, Kenji does not disclose a flexible ring. Further, Applicants respectfully submit that Kenji

does not make obvious a flexible ring and, in fact, teaches away from the recited ring. As is also stated above in greater detail, Kenji discloses a frame-like structure above the annular portion of his feeding device. This upper structure would prevent flexing of the annular portion of the device. Accordingly, Applicants respectfully submit that Kenji teaches away from the flexible ring recited in this rejection.

In addition to the failure of Kenji to disclose or make obvious the recited flexible ring, Kenji further fails to disclose or make obvious the recited thin construction recited in claim 2. As with Noburo, Kenji disclosed significant structure above the annular base portion. Such a structure would not be supportable by a flexible annular component of the recited thickness. Accordingly, Applicants respectfully submit that Kenji fails to disclose or make obvious claim 2 which is deemed allowable.

Which respect to the magnetic strength recited in claims 3-7, 10, 11 and 17-20, Applicants respectfully submits that this is not the type of limitation that is found by mere experimentation and, therefore, these claims further patentably distinguish the cited references.

Claims 29 and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Farahmand as applied to claims 27-28 and 31-32 discussed above. As discussed in greater detail above, Farahmand fails to disclose the recited retainer ring of claims 27 and 31. Applicants respectfully submit that Farahmand further fails to make obvious the recited ring. As an initial matter, Farahmand is non-analogous art and, therefore, this rejection is improper. In this respect, Farahmand discloses magnets used to "improve the condition of the eyes, such as to provide relaxation, overcome tiredness, and create good feeling in the eyes" Farahmand, Abstract. The magnetic field in Farahmand is designed for therapeutic properties on the eyes; it is not designed to maintain the patch relative to the eye glasses. The "magnetic flux is conducted into the musculature of the eyes and to the eyes themselves to counteract tiredness of the eyes, relax the eyes, and provide good feeling to the eyes." Farahmand, Summary of the Invention, Column 2, lines 58-61. The hole in the middle is not for dispensing, but to look through; again used for therapeutic purposes. This eye care product, that utilizes a magnetic field for therapeutic purposes, does not make obvious the reciting retainer ring for a welding wire package that can hold over 2,000 pounds of welding wire.

Even if Farahmand is considered analogous art, it fails to disclose or make obvious the recited retainer ring for controlling the unwinding of welding wire from a coil

of welding wire. It is acknowledged that Farahmand fails to disclose the recited strength of the magnets; however, applicant respectfully submits that Farahmand also fails to make obvious the strength of the recited magnets in that the determination of the magnetic strength is more than mere experimentation. Further, the therapeutic eye glasses of Farahmand do not rise to the level of teaching in the welding technology field to make obvious the magnetic retainer ring of this application. Farahmand also fails to disclose or make obvious a retainer ring having an outer periphery with a diameter large enough to substantially cover the coiled welding wire recited in claims 29 and 33. Accordingly, Applicants respectfully submit that claims 29 and 33 patentably distinguish from the prior art and are allowable.

Claims 23-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kenji as applied to claims 1, 2 and 4 discussed above and further in view of Srail 5,942,961. As discussed in greater detail above, Kenji fails to disclose the recited retainer ring of claims 1, 2 and 4. Kenji does not make obvious a flexible ring according to the invention of these claims. In fact, Kenji teaches away from the recited flexible magnetic ring. The frame-like structure of Kenji would prevent flexing of the annular portion of the device. Accordingly, Applicants respectfully submit that Kenji does not make obvious the recited package, but teaches away from the flexible ring recited in these claims. Further, this frame-like structure of Kenji would not be supportable by a flexible annular component as is recited in this application. Accordingly, Applicants respectfully submit that Kenji fails to disclose or make obvious these claims.

Turning to the thin ring construction recited in claim 25, Kenji's structure would significantly deform a thin walled flexible ring. Accordingly, Applicants respectfully submit that Kenji fails to disclose or make obvious claim 25.

Claims 30 and 34 were rejected under 35 U.S.C. §103(a) as being unpatentable over Farahmand as applied to claims 27-29 and 31-33 discussed above, and further in view of Srail. As discussed in greater detail above, Farahmand fails to disclose the recited retainer ring of claims 27 and 31. Farahmand's eye care product, that utilizes a magnetic field for therapeutic purposes, does not make obvious the reciting retainer ring for a welding wire package that can hold over 2,000 pounds of welding wire. Applicants respectfully submit that Srail fails to overcome the shortcomings of Farahmand wherein the combination of these references fails to disclose or make obvious the recited retainer ring. Accordingly, claims 30 and 34 patentably distinguish from the cited

references and are allowable.

While Applicants have not made specific reference to every comment made by the Examiner in the above-reference Office Action, Applicants do not acquiesce to any of these comments or any other comment made. The above claims patentably distinguish the cited references for at least the reasons discussed in this response.

Applicants respectfully submit that each issue raised in the above-identified Office Action has been addressed by the amendments of this application. Accordingly, Applicants respectfully submit that claims 1-42 patentably distinguish from the cited references and are allowable, whereby reconsideration and allowance is respectfully requested.

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Date

Respectfully submitted,

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